



## **City Commission Meeting**

### **ADDENDUM MATERIAL 2**

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

September 2, 2015

Mayor Philip Levine  
Vice-Mayor Edward L. Tobin  
Commissioner Michael Grieco  
Commissioner Joy Malakoff  
Commissioner Micky Steinberg  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales  
City Attorney Raul J. Aguila  
City Clerk Rafael E. Granado

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#### **ATTENTION ALL LOBBYISTS**

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

#### **ADDENDUM AGENDA**

##### **C7 - Resolutions**

- C7J Approval of Zyscovich Invoice for \$21,400 for Additional Services for the Washington Avenue Master Plan.

(Sponsored by Commissioner Joy Malakoff)

##### **R7 - Resolutions**

- R7V A Resolution Calling For A November 3, 2015 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether, If The Voters Approve The City's Convention Center Hotel Lease, City Shall Adopt An Ordinance Dedicating All Rent Payments Received By City To Enhance Funding (Not Replace Or Substitute For Current City Funding), In Equal Proportions Annually For The Term Of Lease, For: Mass Transit And Traffic Reduction, Pre-K Through 12 Education, Stormwater Projects (In Lieu Of Rate Increases), And Undergrounding Electric Utilities, With Any Amendment/Repeal Of Such Ordinance Subject To Voter Referendum Approval.

(Sponsored by Vice-Mayor Edward L. Tobin)  
(Legislative Tracking: Office of the City Attorney)

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OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy L. Morales, City Manager  
FROM: Joy V. W. Malakoff, Commissioner  
DATE: July 22, 2015  
SUBJECT: Request to place on the September Commission Consent Agenda Approval of Zyscovich Invoice for \$21,400 for Additional Services for the Washington Avenue Master Plan

Please place the above item on the September 2, 2015 Commission Consent Agenda.

The contract the City entered into with Zyscovich on September 15, 2014 for \$107,000 contemplated pre-visioning work starting in October 2014, three visioning workshops (which were held in November and December 2014) and three master plan meetings (which were held in January and February 2015).

The Blue Ribbon Panel was intending to complete its work at the end of February and present its recommendations to the Land Use Committee and Commission by March 11, 2015 (see attached Planning Timeline).

At the end of February, it was clear that there was more work to be done in order to achieve consensus among the community and among the Blue Ribbon Panel members.

As a result, the Blue Ribbon Panel requested that Zyscovich increase their scope of services and add three more master plan meetings in March, so that the Panel could complete its work at the end of March and present its recommendations to the Land Use Committee and Commission by April 15, 2015.

The three additional master plan meetings were held in March 2015 and these meetings were pivotal in allowing the Blue Ribbon Panel to achieve consensus on the open issues. The work product presented to the Blue Ribbon Panel by Bernard Zyscovich and team was invaluable and the community reaction was uniformly favorable.

The \$21,400 in additional fees being requested by Zyscovich are reasonable in relation to the services provided beyond the scope of their signed proposal.

In addition to the three additional master plan meetings described in the additional services document, since the Blue Ribbon Panel presented its recommendations to the Commission on April 29, 2015, the Zyscovich team has spent significant additional time preparing the zoning incentives summary text and graphics packet for the LUDC and Planning Board and attending all the scheduled meetings. The Zyscovich team has also prepared numerous detailed street cross sections for the Washington Avenue Pilot Project and Future Transit options and has met with the City's Transportation Department team to work out the issues and implementation of the proposed bike lanes and the parklets program. They have not requested additional compensation for any of this work which is above and beyond the original scope of their engagement.

If you have any questions, please contact me at extension 6622.

JVWM



1700 Convention Center Drive, Miami Beach, Florida 33139

[www.miamibeachfl.gov](http://www.miamibeachfl.gov)

OFFICE OF THE CITY ATTORNEY  
Tel: 305.673.7470, Fax: 305.673.7002

## COMMISSION MEMORANDUM

**TO: MAYOR PHILIP LEVINE  
MEMBERS OF THE CITY COMMISSION  
CITY MANAGER JIMMY MORALES**

**FROM: RAUL J. AGUILA** *D.P. Aguilera*  
**CITY ATTORNEY**

**DATE: SEPTEMBER 2, 2015**

**SUBJECT: RESOLUTION CALLING NOVEMBER 3, 2015 SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A QUESTION ASKING WHETHER, IF VOTERS APPROVE CITY'S CONVENTION CENTER HOTEL LEASE, CITY SHALL ADOPT AN ORDINANCE DEDICATING ALL RENT PAYMENTS RECEIVED BY CITY TO ENHANCE FUNDING (NOT REPLACE OR SUBSTITUTE FOR CURRENT CITY FUNDING), IN EQUAL PROPORTIONS ANNUALLY, FOR THE TERM OF LEASE, FOR: MASS TRANSIT AND TRAFFIC REDUCTION, PRE-K THROUGH 12 EDUCATION, STORMWATER PROJECTS (IN LIEU OF RATE INCREASES), AND UNDERGROUNDING ELECTRIC UTILITIES, WITH ANY AMENDMENT/REPEAL OF SUCH ORDINANCE SUBJECT TO VOTER REFERENDUM APPROVAL.**

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The attached Resolution has been prepared at Commissioner Tobin's request.

The attached Resolution calls for a City of Miami Beach Special Election to be held on November 3, 2015 for the purpose of submitting to the City's voters the following question:

**Referendum Re: Use of Rent Payments  
Received By City from Convention Center Hotel Lease**

If voters approve City's Convention Center Hotel lease, shall City adopt an ordinance dedicating all rent payments received by City to enhance funding (not replace or substitute for current City funding), in equal proportions annually for the term of lease, for: mass transit and traffic reduction, pre-k through 12 education, stormwater projects (in lieu of rate increases), and undergrounding electric utilities, with any amendment/repeal of such ordinance subject to voter referendum approval?

Two companion agenda items shall be considered at the September 2, 2015 City Commission meeting, namely a Resolution to approve the proposed Development and Ground Lease Agreement ("Lease") for the Convention Center hotel (Agenda Item R7A), and a Resolution calling for a special election for the purpose of submitting to the voters a referendum re: approval of the Lease in accordance with Section 1.03(b)(3) of the City Charter (Agenda Item R7B).

Pursuant to directive of the Miami-Dade County Elections Department, the final date by which the City may adopt its Resolution placing a ballot measure on the November 3, 2015 ballot is September 4, 2015. Accordingly, this matter is timely presented to the City Commission and adoption of the attached Resolution may take place at today's meeting.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 3, 2015 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A QUESTION ASKING WHETHER, IF THE VOTERS APPROVE THE CITY'S CONVENTION CENTER HOTEL LEASE, CITY SHALL ADOPT AN ORDINANCE DEDICATING ALL RENT PAYMENTS RECEIVED BY CITY TO ENHANCE FUNDING (NOT REPLACE OR SUBSTITUTE FOR CURRENT CITY FUNDING), IN EQUAL PROPORTIONS ANNUALLY FOR THE TERM OF LEASE, FOR: MASS TRANSIT AND TRAFFIC REDUCTION, PRE-K THROUGH 12 EDUCATION, STORMWATER PROJECTS (IN LIEU OF RATE INCREASES), AND UNDERGROUNDING ELECTRIC UTILITIES, WITH ANY AMENDMENT/REPEAL OF SUCH ORDINANCE SUBJECT TO VOTER REFERENDUM APPROVAL.**

**WHEREAS**, following a duly noticed first reading/public hearing on July 31, 2015, and a duly noticed second reading/public hearing on September 2, 2015, the Mayor and City Commission of the City of Miami Beach, Florida adopted Resolution No. 2015-\_\_\_\_\_, approving a Development and Ground Lease Agreement ("Lease") with Portman Miami Beach, LLC for the development of an 800 room convention headquarter hotel and related facilities (the "Hotel"), on an approximately 2.65-acre site on the northeast corner of 17<sup>th</sup> Street and Convention Center Drive, bounded roughly by the Miami Beach Convention Center to the North, 17<sup>th</sup> Street to the South, The Fillmore Miami Beach at the Jackie Gleason Theater to the East and Convention Center Drive to the West; and

**WHEREAS**, pursuant to Section 1.03(b)(3) of the City Charter, the Lease is contingent upon and requires approval by vote of at least sixty (60) sixty percent of the voters voting thereon in a City-wide referendum, with such vote currently scheduled to take place on November 3, 2015; and

**WHEREAS**, the City would like to schedule a vote of the electorate for Tuesday November 3, 2015, in order for the residents of Miami Beach to vote on whether the City should adopt an ordinance dedicating the rent payments received by the City pursuant to the Lease for certain specified projects as set forth herein.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:**

**SECTION 1.**

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the

general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 3, 2015, for the purpose of submitting to the electorate the question as set forth hereinafter.

## **SECTION 2.**

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

## **SECTION 3.**

That the said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County Election Officials as set forth in the attached Exhibit "A."

## **SECTION 4.**

Not less than thirty days notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

## **SECTION 5.**

The Notice of Election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 3<sup>rd</sup> DAY OF NOVEMBER, 2015, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:



**Referendum Re: Use of Rent Payments  
Received By City from Convention Center Hotel Lease**

If voters approve City's Convention Center Hotel lease, shall City adopt an ordinance dedicating all rent payments received by City to enhance funding (not replace or substitute for current City funding), in equal proportions annually for the term of lease, for: mass transit and traffic reduction, pre-k through 12 education, stormwater projects (in lieu of rate increases), and undergrounding electric utilities, with any amendment/repeal of such ordinance subject to voter referendum approval?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

Said Notice shall further set forth the several polling places in the election precincts as established in accordance with Section 3 hereof, and shall further set forth pertinent information regarding eligibility of electors to participate in said elections.

**SECTION 6.**

That the official ballot to be used in the Special Election to be held on November 3, 2015, hereby called, shall be in substantially the following form, to-wit:

**"OFFICIAL BALLOT"**

**Referendum Re: Use of Rent Payments  
Received By City from Convention Center Hotel Lease**

If voters approve City's Convention Center Hotel lease, shall City adopt an ordinance dedicating all rent payments received by City to enhance funding (not replace or substitute for current City funding), in equal proportions annually for the term of lease, for: mass transit and traffic reduction, pre-k through 12 education, stormwater projects (in lieu of rate increases), and undergrounding electric utilities, with any amendment/repeal of such ordinance subject to voter referendum approval?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

## **SECTION 7.**

The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

## **SECTION 8.**

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on \_\_\_\_\_, 2015. All persons eligible to vote at this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87<sup>th</sup> Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

## **SECTION 9.**

That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee voting.

## **SECTION 10.**

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

## **SECTION 11.**

If any section, sentence, clause or phrase of the ballot measure set forth above in this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

**SECTION 12.**

This Resolution shall be effective immediately upon its passage.


**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
PHILIP LEVINE  
MAYOR

\_\_\_\_\_  
RAFAEL E. GRANADO  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

      8-27-15  
City Attorney RAP      Date

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